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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Takashi Hasegawa

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EXAMINER

HA, LEYNNA A

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,690

Applicant(s)

HASEGAWA, TAKASHI

Examiner

LEYNNA T. HA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-14 are pending.
2. This is Final rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuno, et al. (US 6,584,552).**

As per claim 1:

Kuno discloses a broadcasting method comprising the steps of:

broadcasting contents from a broadcaster along with a begin store command in a first time period to a receiving side, said begin store command causing said contents to be stored onto a storage medium at a receiving side; and (col.20, lines 10-13 and 17-19; Kuno discusses the first time period as where the controller sends to the STB a reception start command to start receiving the program that then leads to the record command. The start of

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video recording is transmitted and received asynchronously and at an arbitrary timing (col.17, lines 17-20).)

broadcasting a play command from a broadcaster in a second time period subsequent (col.21, lines 44-45; Kuno teaches that the broadcasting command is first to send a reception start in order to record (the record command) (col.20, lines 10-12 and 64-65). Next, is the play command wherein the reproduction start command is sent to the television monitor (col.21, lines 57-58) to reproduce the data (col.21, lines 63-67). Therefore, Kuno teaches the play command is broadcasted in a second time period subsequent to the first time period after broadcasting the contents.) to said first time period to a receiving side after broadcasting the contents (col.21, lines 47-48 and 56-57), said play command causing said contents stored on said storage medium to be retrieved therefrom for output of the contents. (col.21, lines 45-46 and 59-67)

As per claim 2: See col.19, lines 53-67; discussing contents broadcast in said first time period are encrypted, and wherein said play command broadcast in said second time period includes a decryption key for decrypting the encrypted contents.

As per claim 3: See col.5, lines 20-26 and col.19, lines 1-30; discussing contents broadcast in said first time period includes an identifier identifying said contents, and wherein said play command broadcast in said second time period include an identifier allowing said contents to be retrieved from said storage medium for output.

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As per claim 4: See col.18, lines 43-46 and 21, lines 49-50; discussing contents broadcast in said first time period include an end store command for terminating the storing of said contents onto said storage medium.

As per claim 5:

Kuno discloses a broadcast receiver comprising:

a receiver which receives contents broadcast from a broadcaster in a first time period along with a begin store command causing said contents to be stored (col.20, lines 10-13 and 17-19; Kuno discusses the first time period as where the controller sends to the STB a reception start command to start receiving the program that then leads to the record command. The start of video recording is transmitted and received asynchronously and at an arbitrary timing (col.17, lines 17-20).), and then receives a play command broadcasted from a broadcaster in a second time period subsequent to said first time period (col.21, lines 44-45; Kuno teaches that the broadcasting command is first to send a reception start in order to record (the record command) (col.20, lines 10-12 and 64-65). Next, is the play command wherein the reproduction start command is sent to the television monitor (col.21, lines 57-58) to reproduce the data (col.21, lines 63-67). Therefore, Kuno teaches the play command is broadcasted in a second time period subsequent to the first time period after broadcasting the contents.), said play command causing the stored contents to be retrieved for output; (col.21, lines 47-48 and 56-57)

a storage medium which stores said contents received; and **(col.20, lines 17-19)**

a processor which stores said contents onto said storage medium in accordance with the received begin store command **(col.20, lines 3-4)** and for retrieving said contents from said storage medium for output when said processor finds the play command is received. **(col.21, lines 45-46 and 59-67)**

As per claim 6: See col.19, lines 53-67; discussing contents broadcast in said first time period are encrypted, wherein said play command broadcast in said second time period includes a decryption key for decrypting the encrypted contents, and wherein said processor retrieves the encrypted contents from said storage medium and decrypts the retrieved contents for output.

As per claim 7: See col.5, lines 20-26 and col.19, lines 1-30; discussing contents broadcast in said first time period and stored on said storage medium include a first identifier identifying said contents, wherein said play command includes a second identifier, and wherein said processor retrieves for playback said contents stored on said storage medium along with said first identifier if said first identifier coincides with said second identifier included in said play command.

As per claim 8: See col.18, lines 43-46 and 21, lines 49-50; discussing contents broadcast in said first time period include an end store command for terminating the storing of said contents onto said storage medium, and wherein said processor terminates the storing of said contents onto said storage medium the moment said end store command is received.

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As per claim 9: See col.19, lines 53-67; discussing processor stores the received decryption key into a memory and deletes said decryption key from said memory after decrypting the encrypted contents using said decryption key.

As per claim 10:

Kuno discloses a broadcasting method comprising the steps of:

broadcasting contents to be stored onto a storage medium at a receiving side in the first time period; and (col.20, lines 10-13 and 17-19; Kuno discusses the first time period as where the controller sends to the STB a reception start command to start receiving the program that then leads to the record command. The start of video recording is transmitted and received asynchronously and at an arbitrary timing (col.17, lines 17-20).)

broadcasting a play command from the broadcaster in a second time period subsequent to said first time period (col.21, lines 44-45; Kuno teaches that the broadcasting command is first to send a reception start in order to record (the record command) (col.20, lines 10-12 and 64-65). Next, is the play command wherein the reproduction start command is sent to the television monitor (col.21, lines 57-58) to reproduce the data (col.21, lines 63-67). Therefore, Kuno teaches the play command is broadcasted in a second time period subsequent to the first time period after broadcasting the contents.) to the receiving side after broadcasting the contents (col.21, lines 47-48 and 56-57), said broadcasting play command causing said contents stored on said storage medium to be output for playing. (col.21, lines 45-46 and 59-67)

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As per claim 11:

Kuno discloses a program stored on a computer readable storage medium executing a contents playback method on a computer, comprising instructions of:

finding a begin store command in a broadcast, **(col.20, lines 64-65; Kuno discusses the first time period as where the controller sends to the STB a reception start command to start receiving the program that then leads to the record command. The start of video recording is transmitted and received asynchronously and at an arbitrary timing (col.17, lines 17-20).)**

storing contents subsequent to said broadcasted begin store command in a storage medium at the receiving side, **(col.20, lines 10-13 and 17-19)**

finding a play command in a broadcast, said broadcasted play command including an identifier which identifies contents broadcasted beforehand and store in said storage medium, **(col.20, lines 30-34 and col.21, lines 47-48 and 56-57)**

playing contents identified with said broadcasted play command, from said storage medium when said broadcasted play command is found in the broadcast. **(col.21, lines 45-46 and 59-67; Kuno first sends a starting reception of a program (applicant's begin store command from the broadcasting station (col.20, lines 10-12) wherein the record start command to the hard disk apparatus (col.20, lines 12-13 and 64-65). Next, is the play command (col.21, lines 44-45) wherein the reproduction start command is sent to the television monitor (col.21, lines 57-58) to reproduce the data (col.21, lines**

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63-67). Therefore, Kuno teaches the play command is broadcasted subsequent to the first time period after broadcasting the contents.)

As per claim 12: See col.4, lines 29-30 and col.7, lines 13-15; discussing contents are encrypted, and said play command includes a decryption key for decrypting the encrypted contents, and wherein said step for playing includes a step for decrypting the contents before playing.

As per claim 13: See col.4, lines 9-24; discusses finding an end store command in a broadcast; and terminating the storing of contents onto said storage medium in response to said end store command is received.

As per claim 14: See col.7, lines 55-58; discusses deleting said decryption key after decrypting the encrypted contents.

Response to Arguments

4. Applicant's arguments filed 6/27/2006 have been fully considered but they are not persuasive.

Kuno teaches a CGMS is embedded in a transport stream and added to the contents of a copyright judges whether the data is an AV data that can be copied or not (col.1, lines 42-47). The CGMS may contain values as either copy never, copy one generation, and copy free where this 2-bit data indicates access control regarding the viewing or listening of AV data and the time zone when the

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viewing or listening is allowed (col.1, lines 45-65 and col.2, lines 53-67). Hence, the CGMS contains the access control commands embedded with the broadcast program being sent from the broadcasting station (col.2, lines 47-50) to a receiving side in the form of STB and the recording and reproducing apparatuses (col.4, lines 27-32 and col.17, lines 40-46). The EMI (Encryption Mode Indicator) is produced from such a CGMS by the STB and the EMI is held in the header portion of the packet data (col.17, lines 49-53). The EMI is equal to that of a CGMS values (col.17, lines 55-56) where the EMI judges the presence and absence and the kind of a copy right from the detected EMI information held in the header portion (col.18, lines 6-65 and col.20, lines 30-33). Thus, the CGMS relays the commands that is accompanying the copyright program to the STB where the EMI judges to determine the associated command for the other apparatuses. The claimed receiving side consists of the STB that is connected to recording and reproducing apparatuses which includes the hard disk for recording and the monitor for viewing (col.20, lines 39-40 and col.21, lines 44-46). So the STB, the hard disk, and the monitor of Kuno receives and processes the commands to store and to play the broadcast program.

Regarding on page 7-8 of applicant's argument: The examiner acknowledges that the amended claims recites a command is broadcasted from a broadcaster. However, traverses the receiver (i.e. STB) or controller sends a reception start command and record start command to the hard disk apparatus and that Kuno does not disclose that a report start command is sent from a

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broadcasting station. The claimed invention does not mention any "report start command".

Kuno may have vaguely suggest which device or apparatus the controller sending the commands belong to. However, Kuno teaches the commands (CGMS) is embedded with the transported program stream (AV data) in a broadcasting station and that an STB receives a broadcast wave transmitted from the broadcasting station (col.17, lines 40-42). Further, col.20, lines 10-13 evidently suggests that the broadcasting station sent the commands because Kuno specifically states that the controller sends to the STB a reception start command for starting reception of a program is sent from a broadcasting station, and the record start command to the hard disk apparatus (col.20, lines 10-13 and col.21, lines 4-15). As mentioned earlier, Kuno discloses the CGMS is added to the broadcast data program (col.1, lines 40-65 and col.2, lines 13-67) where the CGMS contains the content control for the program that is broadcast to the STB and EMI is given to the program that is equal to the CGMS values (col.17, lines 40-56 and col.20, lines 17-19). The CGMS contains commands for the program being sent from the broadcasting station to the receiving side, STB, and in turn the STB produces the EMI (col.18, lines 6-65) from the CGMS to send as a packet data to relay these commands to the rest of the receiving apparatuses (col.20, lines 10-67 and col.21, lines 5-65). The reception start command and record start command reads on the claimed broadcasting a begin store command and contents from the broadcaster. Kuno discloses the AV data that was recorded in the hard disk apparatus was recorded from the STB is to be

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reproduced on a television monitor (col.21, lines 44-49). Thus, the reproduction start command reads on broadcasting a play command from the broadcaster in a second time period subsequent to the first time period after broadcasting the content. Therefore, Kuno discloses the limitation of claims 1, 5, and 10.

The finding a begin store command and a play command in a broadcast is when Kuno explains the process of uncovering the values from the CGMS and the EMI from the packet data to see what kind of copyrights for the particular broadcast. The CGMS has a 2 bit data that has the values to indicate the copyright values to be applied for the AV data (broadcast program) that it is to be embedded into when being broadcasted to a receiver (col.17, lines 9-11 and 40-60). The value of an EMI is equal to the CGMS where the EMI can judge the presence or absence and the kind of a copy right from the EMI information (col.18, lines 6-65). These CGMS and EMI relates to commands because they are values of the viewing or storing access control for the broadcast such as copy never, copy one generation, and copy free (col.1, lines 45-65 and col.2, lines 53-67). Therefore, Kuno reads on claim 11.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

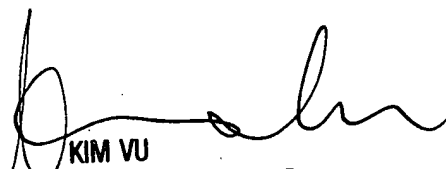
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LHa



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